

S.D.N.Y. – N.Y.C.
23-cr-118-1
Torres, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of June, two thousand twenty-three.

Present:

Jon O. Newman,
Eunice C. Lee,
Sarah A. L. Merriam,
Circuit Judges.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Jun 14 2023
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United States of America,

Appellee,

v.

23-6421

Kin Ming Je, AKA Sealed Defendant 2; Yanping Wang, AKA Sealed Defendant,

Defendants,

Ho Wan Kwok, AKA Sealed Defendant 1,

Defendant-Appellant.

Ho Wan Kwok appeals a district court order denying him pre-trial release on the basis that he posed a serious risk of flight and obstruction of justice, that he posed a danger to the community, and that “no condition or combination of conditions [would] reasonably assure the appearance of [Kwok] as required and the safety of any other person and the community[.]” 18 U.S.C. § 3142(e)(1). “In reviewing a detention challenge, we examine the district court’s factual determinations for clear error.” *United States v. Abuhamra*, 389 F.3d 309, 317 (2d Cir. 2004). We will find clear error only where “on the entire evidence we are left with the definite and firm conviction that a mistake has been committed.” *United States v. Sabhnani*, 493 F.3d 63, 75 (2d Cir. 2007) (internal quotation marks omitted). We cannot say that we are left with a “definite and firm conviction” that the district court erred in determining that Kwok posed a serious risk of flight,

obstruction of justice, and danger to the community, and that no conditions would reasonably ensure Kwok's appearance in court. Accordingly, we AFFIRM the order of the district court.

It is further ORDERED that Kwok's contemporaneously filed "Motion for Relief from Order Denying Pre-Trial Release" is DENIED as unnecessary in view of our order affirming the district court's decision.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


